

ORIGINAL

June 17 2010

Ed Smith
CLERK OF THE SUPREME COURT
STATE OF MONTANA

Name Lloyd S. Maier
Address 200 Conley Lake Rd
Deer Lodge, MT
Telephone No. _____

IN THE SUPREME COURT OF THE STATE OF MONTANA

Supreme Court Cause No. _____

Lloyd S. Maier
Plaintiff,
(designation of party),

Graig Thomas, and
Defendants,
(designation of party).

MOTION AND AFFIDAVIT IN SUPPORT
OF MOTION TO PROCEED ON APPEAL
WITHOUT PAYMENT OF FILING FEE

I move this Court to proceed without payment of the filing fee in this cause,
and I submit this Affidavit in support of my motion.

I, Lloyd S. Maier, (state your name) being first duly sworn, depose and
say that I am the Plaintiff (designation of party) in the above-
entitled case; that in support of my application to proceed on appeal without being
required to pay the filing fee, I state that because of my financial condition I am
unable to pay the filing fee; that I believe I am entitled to redress; and that the
issues which I desire to present on appeal are the following:

Writ of Mandamus

I further swear that the responses which I have made to the questions and instructions below relating to my ability to pay the cost of prosecuting the appeal are true.

1. Are you presently employed? I work in the prison

a. If the answer is yes, state the amount of your salary or wages per month and give the name and address of your employer.

2.25 a day 5-days a week about
45.⁰⁰ to 50.⁰⁰ dollars a month.

b. If the answer is no, state the date of your last employment and the amount of the salary and wages per month which you received.

2. Have you received within the past 12 months any income from a business, profession or other form of self-employment, or in the form of rent payments, interest, dividends, or other source? If the answer is yes, describe each source of income, and state the amount received from each during the past 12 months.

Gift money from family 25.⁰⁰ or
50.⁰⁰ dollars.

3. Do you own any cash or checking or savings account? If the answer is yes, state the total value of the items owned.

NONE

4. Do you own any real estate, stocks, bonds, notes, automobiles, or other valuable property (excluding ordinary household furnishings and clothing)? If the answer is yes, describe the property and state its approximate value.

NONE

5. List the persons who are dependent upon you for support and state your relationship to those persons.

Federal Court I owe 350.00 the take
20% of my prison pay each month.

I understand that a false statement or answer to any question in this affidavit will subject me to penalties for perjury.

Gregory L. Maier

Subscribed and sworn to before me this 16 day of June, 2010.

SEAL

Notary Public for the State of Montana

Residing at _____

My Commission expires _____

Name

Lloyd S. Maier

Address

700 Conley Lake Rd

City/State/Zip Code

Deer Lodge, MT 59722

Telephone Number

MONTANA Supreme Court JUDICIAL DISTRICT COURT, Lewis & Clark COUNTY

Lloyd S. Maier

Plaintiff(s),

-VS-

Third Judicial Dist Court.

Defendant(s).

NO. _____

**AFFIDAVIT OF INABILITY TO PAY FILING FEES AND OTHER COSTS
IN ACCORDANCE WITH 25-10-404 - 406, MCA**

STATE OF MONTANA

County of Deer Lodge

ss.

I, Lloyd S. Maier, being first duly sworn, upon oath depose and say:

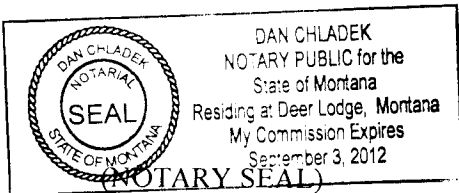
1. I am the (petitioner/plaintiff) or (respondent/defendant) in the above-entitled proceeding.

2. I have a good cause of action and am unable to pre-pay the costs or to procure security to secure the same, in accordance with § 25-10-404 - 406, MCA.

DATED this 9th day of June, 20 10.

AFFIANT

Subscribed and sworn to before me this 9th day of June, 20 10.

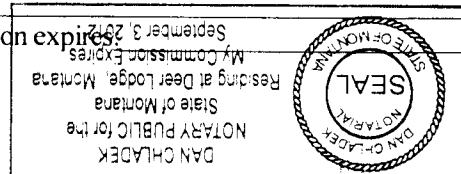


Dan Chladek
Notary Public for the State of Montana

Dan Chladek
Printed Signature

Residing at:

My Commission expires



INDIGENCY QUESTIONNAIRE

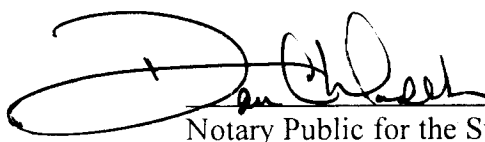
CASE NUMBER _____


1. Name Cloyd S. Maier DOB _____
2. Address 700 Conley Lake Rd
3. Telephone _____
4. Single ☒ Married _____ Separated _____ Divorced _____
5. Employed? Yes ☒ No _____ Self Employed? Yes _____ No _____
 - a. Employer's Name & Address I work at prison Welding Shop.
 - b. Your employment income? Monthly \$ 45. to 50.00 a month
6. If unemployed, when last employed _____ Job _____
7. Dependents? Spouse _____ Number of children _____
Others (Specify): I owe 350.00 for court cost in federal court
8. If married, is spouse employed? Yes _____ No ☒
 - a. Employer's Name & Address _____
 - b. Does spouse have any other income? Monthly \$ _____
(example: support payments, alimony, interest, rent income)
9. Do you have any other income from other sources? Yes ☒ No _____
Monthly \$ _____ Sources Gift money from family
10. Do you have a car? Yes _____ No ☒ Is it paid for? Yes _____ No _____
 - a. If not, how much do you owe? \$ _____
 - b. Year, Make, and Model _____
11. Do you own any land or other real estate, or are you buying any? Yes _____ No ☒
 - a. What is its approximate value? \$ _____
 - b. How much did you pay for it? \$ _____ When? _____
 - c. Is it paid for? Yes _____ No _____
 - d. If not, how much do you owe? \$ _____
12. Do you have any:
 - a. Cash or savings? Yes _____ No ☒ Amount? \$ _____
Name of Bank _____
 - b. Checking accounts? Yes _____ No ☒ Amount? \$ _____
Name of Bank _____
 - c. Stocks or bonds? Yes _____ No ☒ Value? \$ _____
 - d. Other property? Yes _____ No ☒ Value? \$ _____
(for example, trailer, boat, camper, motorcycle, guns, tools, collections, etc.)
Describe: _____

STATE OF MONTANA)
) ss:
City / County of _____)

On this _____ day of _____, 20____, before me, a Notary Public for the State of Montana, personally appeared _____, known to me to

be the person whose name is subscribed to the within instrument and acknowledged to me that he/she executed the same.


Notary Public for the State of Montana
Residing at _____
My Commission expires _____

 DAN CHLADEK
NOTARY PUBLIC for the
State of Montana
Residing at Deer Lodge, Montana
My Commission Expires
September 3, 2012

COURT USE:

Request Approved _____ Denied _____ Date _____

JUDGE _____